

SECOND CIRCUIT NEW YORK

DANA H. FOX, PRO-SE  
APPELLANTV.  
MOTORS LIQUIDATORS, ET AL  
APPELLEE(S)
 ) DOCKET # 11-cv-9087  
 ) MARCH 12, 2013  
 ) DOCKET # 12-1798bk  
 )  
 )

## MOTION FOR RECONSIDERATION

AND LATE ENTRY (IF NECESSARY) JUST REC'D  
4/9/13

IT APPEARS, ALTHOUGH THE COURT MENTIONS LAW OR FACT, THAT THE COURT NEEDS TO RECOGNIZE NINE YEARS OF LITIGATION AS A FACTUAL BASIS OF COMPENSATION AND RELIEF: NINE YEARS OF LITIGATION IS NOT A "MOOT" ISSUE. [OR FRIVOLOUS]

THE FACT THAT GENERAL MOTORS, INC. IS A REPEAT OFFENDER IS NOT A "MOOT" ISSUE. [OR FRIVOLOUS].

A REVIEW OF PRO-SE'S BRIEF & APPENDIX EXEMPLIFIES THE PRESENCE OF FACT AND LAW AS DOES THE ENTIRE RECORD: RIGHT DOWN TO GENERAL MOTORS, INC. COMING TO BE HELD IN DISREPECT OF COURT FOR FAILURE TO ANSWER A COURT ORDERED SUBPOENA IN \* CIRCUIT COURT IN FLORIDA [FACT & LAW]: [AM-INC CHOSE BANKRUPTCY] <sup>To</sup> <sub>\* \*</sub> AVOID.

MR. FOX PRO-SE MOTIONED THIS COURT AND THE QUESTION IS RAISED IN ALL COURTS INVOLVED OF, PREVIOUS LITIGATION [IN PAPER FILES] THAT MUST BE RECOGNIZED AS A FURTHER BASIS TO ESTABLISH FACT AND LAW; AND DOES NOT WARRANT A REFERENCE OF "FRIVOLOUS" OR "MOOT". THIS ALLEGEDLY HONORABLE COURT CANNOT IGNORE THE SUBSTANCE OF THIS MATTER AS IT RISKS BEING "MOOT" BY ITS LACK OF APPROPRIATE ACTION [SORRY]; AND ALSO RISKS DERELICTION OF DUTY IN IT'S DISMISSAL. WHEREFORE, THIS MOTION FOR RECONSIDERATION,

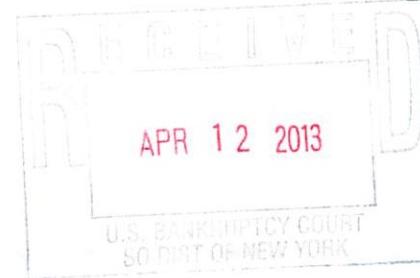
I CERTIFY TRUE COPIES SENT TO  
U.S. BANKRUPTCY COURT BY U.S.  
U.S. DISTRICT COURT MAIL  
WELL CASUALANCES FOR MOTORS  
ON THIS DATE 4/9/13  
4/9/13  
D. H. FOX ..

RESPECTFULLY SUBMITTED  
Dana H. Fox PRO-SE  
DANA H. FOX ..

SECOND CIRCUIT NEW YORK

DANA H-FOX, PRO-SE  
APPELLANT )  
v.  
MOTORS LIQUIDATORS, ET AL )  
APPELLEES )

MOTION FOR A DIFFERENT  
TRIBUNAL  
AND APPENDUM TO  
MOTION FOR RECONSIDERATION

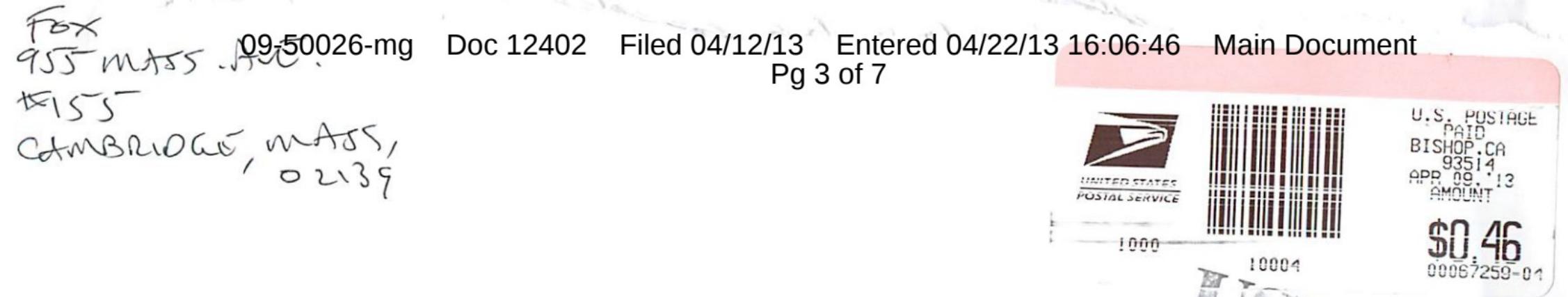


MR. FOX PRO-SE FILES THIS MOTION FOR A  
DIFFERENT TRIBUNAL FOR THIS RECONSIDERATION  
TO ENSURE IMPARTIALITY.

IT IS ALSO NOTED, IN APPENDUM THAT THE  
COURT CANNOT IGNORE THE FACT THAT THE  
BANKRUPTCY COURT RECOGNIZED THE NEED TO  
COMPENSATE MR. FOX, PRO-SE FOR THE AUTOMOBILE  
IN QUESTION, HOW CAN THIS COURT REFUSE TO  
RECOGNIZE THAT ADDITIONAL RELIEF AND COMPENSATION  
IS JUST AS DAMAGES AWARDS FOR TIME [AND ALL  
THE AGGRAVATION THAT GOES ALONG WITH TIME EXPENDITURE]...  
A REPEAT OFFENSE ~~as →~~ DESIGNING COMPLICATED FUNCTIONS  
IN AN AUTOMOBILE SO AS TO BE POTENTIALLY LIFE THREATENING.  
REPEAT OFFENSE OF MISMANAGING A MAJOR U.S & INTERNATIONAL  
CORPORATION TO THE POINT OF BANKRUPTCY [TO AVOID A COURT  
ORDERED SUSPONSA?]  
WHEREFORE THIS MOTION FOR A DIFFERENT TRIBUNAL AS  
THE FIRST FAILED TO RECOGNIZE ITS LEGAL RESPONSIBILITY.  
AND THIS APPENDUM IS ALSO SUBMITTED.

I CERTIFY THAT TRUE COPIES ARE  
SERVED BY U.S. MAIL TO:  
U.S. BANKRUPTCY COURT  
U.S. DISTRICT "  
WILL COISTAL MANAGERS FOR  
MOTORS LIQUIDATORS  
ON THIS DATE 4/19/13  
Dana H-fox

RESPECTFULLY SUBMITTED  
Dana H-fox, PRO-SE  
DANA H-FOX " "



U.S. BANKRUPTCY COURT SOUTHERN  
1 BOWLING GREEN RM. 534  
N.Y., N.Y. 10004-1408

USM  
SDNY

APR 12 2013

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JUDGE GERBER

CLOSED

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:11-cv-09087-SAS**  
**Internal Use Only**

Motors Liquidation Company et al v. Motors Liquidation Company

Assigned to: Judge Shira A. Scheindlin

Case in other court: USBC-SDNY, 09-B-50026 (REG)

Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 12/31/2011

Date Terminated: 03/26/2012

Jury Demand: None

Nature of Suit: 422 Bankruptcy Appeal (801)

Jurisdiction: Federal Question

**In Re**

**Motors Liquidation Company**

*formerly known as*

General Motors Corporation

**Debtor**

**Motors Liquidation Company**

*formerly known as*

General Motors Corporation

**Appellant**

**Dana H. Fox**

represented by **Dana H. Fox**

1500A Lafayette Rd.

#192

Portsmouth, NH 03801

PRO SE

V.

**Appellee**

**Motors Liquidation Company**

*formerly known as*

General Motors Corporation

represented by **Joseph H. Smolinsky**

Weil, Gotshal & Manges LLP

767 Fifth Avenue

New York, NY 10153

(212) 310-8767

Fax: (212) 310-8007

Email: [joseph.smolinsky@weil.com](mailto:joseph.smolinsky@weil.com)

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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EPI BANKRUPTCY SOLUTIONS, LLC

CASE	CLAIMANT NAME & ADDRESS	CLAIM #	AMOUNT/DESCRIPTION	DATE	REMARKS
11-36	LOPRETTO HEALTH AND REHABILITATION CENTER JINDA CLARK, ESO. 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01412	2,639,152.35 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	PHILIPS MEMORIAL HOSPITAL CENTER JINDA CLARK, ESO. 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01413	686,316.38 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	LOPRETTO HEALTH CAPITAL LTD. CASE FILE DATE: 04/29/11 CHAPTER 11 CASE NOS. NEW CASE NUMBERS HERE DEBTOR: MAJESTIC CAPITAL LTD., 2515 SOUTH ROAD P.O. BOX 1999, POUGHKEE, NY 12601 ATTORNEY: Attorney's name and address, , ATT:	01414	65.31 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	LOPRETTO HEALTH SUPPORT, LLC JINDA CLARK, ESO. 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01415	1,390,671.71 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	REGESIS CARE CENTER, LLC DBA ROSE NURSING HOME; LINDA CLARK, ESO 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01416	2,571,636.62 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	LOPRETTO MANAGEMENT CORPORATION LINDA CLARK, ESO. 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01417	838,936.56 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	OZONE ACQUISITION, LLC DBA CENTRAL ISLAND HEALTH CARE 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP; LINDA CLARK ALBANY, NY 12207	01418	249,315.07 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454
11-36	RIVER MANOR CORP. DBA RIVER MANOR HEALTH RELATED FACILITY 80 STATE STREET LINDA CLARK, ESO HISCOCK & BARCLAY, LLP; LINDA CLARK ALBANY, NY 12207	01419	4,449,943.63 CLAIMED UNSECURED ***** WITHDRAWN ***** 09/29/11	09/11/12	DOCCKET NUMBER: 454

12/13/2011	<u>1</u>	NOTICE OF APPEAL FROM THE BANKRUPTCY COURT TO THE S.D.N.Y. from the Order of Judge Robert E. Gerber Bankruptcy Court Case Numbers: 09-B-50026 (REG). Certified copies of file received. Document filed by Dana H. Fox. Appellant Brief due by 1/3/2012.(bkar) (Entered: 12/13/2011)
12/13/2011	<u>2</u>	AMENDED NOTICE OF APPEAL FROM THE BANKRUPTCY COURT TO THE S.D.N.Y. from the Order of Judge Robert E. Gerber amending <u>1</u> Bankruptcy Appeal,. Document filed by Dana H. Fox. Appellant Brief due by 12/27/2011. Related document: <u>1</u> Bankruptcy Appeal, filed by Dana H. Fox.(bkar) (Entered: 12/13/2011)
12/13/2011	<u>3</u>	Mailed letter to the United States Bankruptcy Court - Southern District of New York as notification of filing of Bankruptcy Notice of Appeal (Case Number: 09-B-50026 (REG).) with the U.S.D.C. - S.D.N.Y. and the assignment of S.D.N.Y. Case Number: 11-cv-9087. (ama) (Entered: 12/13/2011)
12/13/2011	<u>4</u>	Mailed notice to the attorney(s) of record. (ama) (Entered: 12/13/2011)
02/06/2012	<u>5</u>	MOTION for Leave to Proceed in forma pauperis. MOTION for late entry Document filed by Dana H. Fox.(js) (Entered: 02/16/2012)
02/06/2012	<u>6</u>	MOTION for Late Entry (Toll Statute of Limitations) and Motion to Proceed In Forma Pauperis. Document filed by Dana H. Fox.(mro) (Entered: 02/17/2012)
02/21/2012	<u>7</u>	ORDER: The appellee may have until March 7, 2012, in which to oppose the motions. The appellant may have until March 16, 2012, in which to submit a reply, if any. These dates are fixed and not subject to adjournment for any reason. Responses due by 3/7/2012 Replies due by 3/16/2012. (Signed by Judge Shira A. Scheindlin on 2/17/2012) (ft) (Entered: 02/21/2012)
03/07/2012	<u>8</u>	MEMORANDUM OF LAW in Opposition re: <u>3</u> MOTION for Leave to Proceed in forma pauperis. MOTION for late entry and to proceed in forma pauperis., <u>4</u> MOTION for Late Entry (Toll Statute of Limitations) and Motion to Proceed In Forma Pauperis.. Document filed by Motors Liquidation Company. (Smolinsky, Joseph) (Entered: 03/07/2012)
03/13/2012	<u>9</u>	ORDER: Appellant Dana H. Fox, proceeding pro se, has filed motions to proceed in forma pauperis and for late entry (toll statute of limitations). As required in the February 21, 2012 Order, the appellee filed its opposition to the motions on March 7, 2012. Because the mailing of the February 21, 2012 Order to appellant was returned to sender, the appellant may now have until March 23, 2012, in which to submit a reply, if any. Replies due by 3/23/2012. (Signed by Judge Shira A. Scheindlin on 3/13/2012) (ft) (Entered: 03/13/2012)
03/26/2012	<u>10</u>	MEMORANDUM OPINION AND ORDER: #101626 According to OM, Fox can still receive much of the money that he claims is owed to him by returning to the Bankruptcy Court. He is encouraged to follow this procedure. Because it is untimely, Fox's appeal is denied. The Clerk of the Court is directed to close these motions [Docket Nos. 3 and 4] and this case and return it to the Bankruptcy Court for resolution. (Signed by Judge Shira A. Scheindlin on 3/26/2012) (rdz) Modified on 3/30/2012 (jab). (Entered: 03/27/2012)

EPIC BANRUPTCY SOLUTIONS, LLC